

**367.97504 Crematory authority license -- Fees -- Operations procedures -- Records -- Annual report.**

- (1) Every crematory operator and every person, firm, partnership, association, and corporation desiring to operate a crematory authority shall obtain a crematory authority license from the Attorney General at least thirty (30) days prior to opening for the purpose of conducting cremations. Every crematory operator and every person, firm, partnership, association, and corporation in existence and unlicensed as of July 15, 1994, which conducts cremations shall apply for a crematory authority license from the Attorney General within one hundred eighty (180) days thereafter. The license shall be displayed in a conspicuous place in the crematory. Application for a license shall be made in writing on the form prescribed by the Attorney General by administrative regulation. The application shall be accompanied by a one (1) time fee of one hundred dollars (\$100) and shall show that the applicant owns or is actively operating a crematory in this Commonwealth or that the applicant is in a position to commence operating a crematory. The fees from the application shall be placed in a trust and agency account to be used by the Attorney General for the administration of KRS 367.97501 to 367.97537.
  - (a) In addition to any other information required by the Attorney General, an application for a license shall contain the full name and address of the applicant and, in the case of a business entity, of every member, officer, and director. Any license issued pursuant to the application shall be valid only at the address stated in the application.
  - (b) Upon receipt of the application and the payment of the license fee the Attorney General shall issue a license unless he determines that the applicant:
    1. Has made false statements or representations in the application;
    2. Is insolvent, has conducted, is about to conduct business in a fraudulent manner; or
    3. Is not duly authorized to transact business in this Commonwealth.
- (2) Changes in the persons, firm, partnership, ownership, association, or corporate structure as originally named on the application for a crematory authority license renders the license void. The crematory authority shall file a new application before the changes shall be official.
- (3) No crematory authority shall require that human remains be placed in a casket before cremation or that human remains be cremated in a casket, nor shall a crematory authority refuse to accept human remains for cremation because they are not in a casket. A crematory may require the cremation container not show evidence of leakage.
- (4) It is unlawful for any licensee under this section to cremate the remains of anything other than dead human bodies, including pathological waste, in the same cremation chambers licensed under this section. This prohibition does not apply to a dead human fetus, which may be cremated.
- (5) Each crematory authority shall maintain a record of each cremation of human remains, disclosing the name of the person cremated, the name of the person

authorizing the cremation, the date the body was received, the date the cremation was performed, and any other information the Attorney General may require by administrative regulation. The records shall be kept at the crematory for a period of not less than ten (10) years for inspection by the Attorney General.

- (6) Each crematory authority shall file annually with the Attorney General a report in the form prescribed by the Attorney General by administrative regulation. A ten dollar (\$10) fee shall be paid to the Attorney General by each crematory authority filing an annual report. The fees from these reports shall be placed in a trust and agency account to be used by the Attorney General for the administration of KRS 367.97501 to 367.97537.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 140, sec. 2, effective July 15, 1994.